



Scottish Biometrics
Commissioner

Coimiseanair
Biometrics na h-Alba

Scottish Biometrics Commissioner

4-Year Strategic Plan 2021-2025

(For period 01/12/2021 to 30/11/2025)

Version 3.0 (updated March 2025)

On the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland.

Safeguarding our biometric future





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Laid before the Scottish Parliament on 26 March 2025, under
Section 28(4) of the Scottish Biometrics Commissioner Act 2020
SBC/2025/03

www.biometricscommissioner.scot



Our strategy

Our purpose and vision: To support and promote the adoption of lawful, effective, and ethical practices in relation to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.¹

Our four strategic priorities	1. Keep under review and report on the law, policy, and practice relating to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.	2. Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged. ²	3. Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland. ³	4. Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability.
Our outputs and intended outcomes aligned to each priority.	1a. Develop, deliver, and publish, a National Assessment Framework to help assess the effectiveness and efficiency of biometric data outcomes. Publish annual and other reports to enhance independent oversight, transparency, and public accountability.	2a. Contribute to public awareness and understanding of how biometric data and technologies are used for criminal justice and police purposes in Scotland through various mechanisms including a website information hub, public reporting, and an established complaints procedure on our Code of Practice for biometric data subjects. ⁴	3a. Deliver a statutory substructure and compliance framework through a Code of Practice approved by the Parliament and Scottish Ministers through regulations, which balances ethical public interest considerations with democratic freedoms and the privacy and human rights of data subjects.	4a. Contribute towards the National Outcomes for Scotland, specifically: Delivering community safety, protecting equalities & human rights, avoiding discrimination, protecting children and vulnerable adults, and making a positive contribution internationally.
Our values	Independent	Transparent	Proportionate	Accountable

¹ Our strategic priorities are directly aligned to the statutory functions of the Commissioner as established in [Section 2\(3\)](#) of the Scottish Biometrics Commissioner Act 2020

² A public attitudes survey was conducted in 2021/22 to measure and baseline public attitudes, awareness, and understanding of biometrics in policing in Scotland.

³ [Ibid, Section 7](#), Scottish Biometrics Commissioner Act 2020. ⁴ [Ibid, Section 15](#), Scottish Biometrics Commissioner Act 2020.



The role of the Scottish Biometrics Commissioner

1. The [Scottish Biometrics Commissioner Act 2020](#) established the office of Scottish Biometrics Commissioner (SBC) and provides for its functions. The Commissioner is independent of Scottish Government and is appointed by the Monarch on the nomination of the Scottish Parliament. The Commissioner's general function is to support and promote the adoption of lawful, effective, and ethical practices in relation to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes by [Police Scotland](#), the [Scottish Police Authority \(SPA\)](#), and the [Police Investigations and Review Commissioner \(PIRC\)](#).⁵ The Commissioner must lay an annual report on activities each year before the Scottish Parliament and may publish other reports and research, as necessary.

⁵ See [Section 34](#) of [Scottish Biometrics Commissioner Act 2020](#) for full definition of 'biometric data'.



2. Section 7 of the Act provides that in furtherance of the Commissioner's general function, the Commissioner must prepare, and may from time-to-time revise, a Code of Practice on the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes. The Code of Practice prepared by the Commissioner was approved by the Parliament and Scottish Ministers and took legal effect on 16 November 2022. The Commissioner must keep the approved Code of Practice under review, prepare and publish and report on the Commissioner's findings, and lay a copy of the report before the Scottish Parliament. The first such report must be laid before the Parliament no later than 3 years after the date on which the first Code of Practice comes into effect.
3. Section 15 of the Act requires that the Commissioner must provide a procedure by which an individual, or someone acting on an individual's behalf, may make a complaint to the Commissioner that a person who is required by Section 9(1) to comply with the Code of Practice has not done or is not doing so in relation to the individual's biometric data. The complaints procedure relating to the Code of Practice can be viewed on the Commissioner's website.
4. Section 20 of the Act provides that if the Commissioner determines that a person who is required by Section 9(1) to comply with the Code of Practice has not done so or is not doing so, the Commissioner must prepare and publish a report about that failure unless the Commissioner considers that it is sufficiently minor not to merit it. Such reports must be laid before the Scottish Parliament. Section 23(1) of the Act provides that where the Commissioner considers that Police Scotland, the SPA, or PIRC has not complied or is not complying with the Code of Practice then the Commissioner may issue a compliance notice. A 'compliance notice' is a notice requiring the person to whom it is issued to take the steps set out in the notice to address the person's failure to comply with the Code of Practice. Further detail on compliance notices can be found in Sections 23 to 26 of the Act.
5. Section 27 of the Act provides that where a person to whom a compliance notice has been issued refuses or fails, without reasonable excuse, to comply with the notice, the Commissioner may report the matter to the Court of Session.



Foreword

6. This final update to the Scottish Biometrics Commissioners' 4-year Strategic Plan is made to reflect progress since the plan was last updated in February 2023. The revisions are minor and include:
 - a. To document that all strategic priorities in year one through to the initial months of year four have been successfully achieved
 - b. To add in an additional Assurance Review report to Parliament on retrospective image search which was added to our work programme in year 4 by the Commissioner
 - c. To update the plan with budget allocation for 2025/26
 - d. To explain the transition to reporting on the outcomes of our Strategic Plan from our 2024/25 Annual Report and Accounts onwards.



7. Biometric data such as fingerprints and photographs have been used in policing and criminal justice in Scotland as a means of verification, identification, and exclusion for more than one hundred years. Since the late 1980s, the advent of the forensic technique of DNA profiling has revolutionised the investigation of crime. It is used daily in the investigation of a wide range of offences to identify offenders from minuscule amounts of body fluids and tissues. In sexual offences, DNA profiling can untangle complex mixtures of body fluids, typically found in such cases, to provide evidence that was previously unavailable. Through the introduction of DNA24, Scottish Police Authority Forensic Services now provides Police Scotland and the Police Investigations Review Commissioner with one of the most advanced DNA interpretation capabilities in world policing.
8. More recently there has been an exponential growth in a range of new biometrics in law enforcement, perhaps most controversially the use of public space facial recognition surveillance by the police in other UK jurisdictions.⁶ There has also been a proliferation of databases operating and exchanging biometric data over different legal and functional jurisdictions within the UK and globally, including the application of artificial intelligence (AI) to those databases to develop algorithms for biometric matching.
9. Such issues raise important questions for society, including how best to balance our need for public safety and security, with broader privacy, ethical, human-rights, and equality considerations. The principles of proportionality and necessity, and the long-established principle of policing by consent in Scotland, suggests the need to be careful about the extent of future encroachment.

⁶ Facial recognition use by South Wales Police ruled unlawful. BBC News, 11 August 2020: <https://www.bbc.com/news/uk-wales-53734716>



10. Against this context, this revised Strategic Plan laid before the Scottish Parliament on 26 March 2025 sets out how I will perform my statutory functions during the 4-year period from 01 December 2021 until 30 November 2025.⁷ In accordance with the requirements of Section 28(3) of the Scottish Biometrics Commissioner Act 2020, and Scottish Statutory Instrument 2020/250, this Strategic Plan includes information on:

- Identified objectives and priorities for that period,
- How I propose to achieve those objectives and priorities
- A timetable for doing so,
- Estimated (or actual) costs

11. It is a privilege to have been selected to serve the people of Scotland as the first Scottish Biometrics Commissioner, and to lay this revised Strategic Plan before the Scottish Parliament.



Dr Brian Plastow

Scottish Biometrics Commissioner
www.biometricscommissioner.scot
26 March 2025



⁷ The commencement period of the Strategic Plan was amended during the Covid-19 Pandemic by the commencement order (S.S.I. 2020/250) from 1 April 2021 to 01 December 2021, therefore the period of this Strategic Plan no longer aligns with the provisions of Section 29(1) of the Scottish Biometrics Commissioner Act 2020, which requires budgetary arrangements to align with the fiscal year.



The Scottish Biometrics Commissioner - Our values

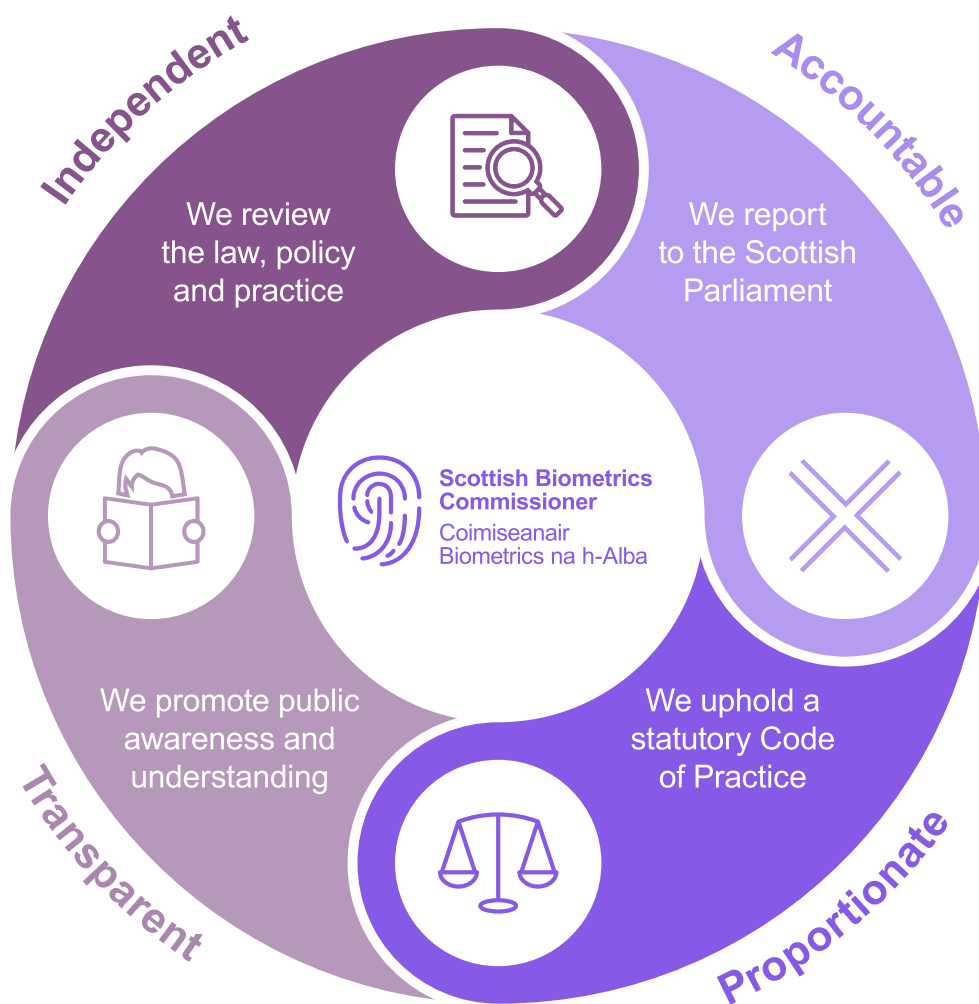
14. As a values-led organisation, we will conduct our activities in a way that is Independent, Transparent, Proportionate and Accountable:

Independent

We will always act independently and publish impartial and objective review reports. Our professional advice will be informed and unbiased. The Scottish Biometrics Commissioner is a juristic person, appointed by the Monarch on the nomination of the Scottish Parliament and is independent of Scottish Government.

Transparent

We will be open about what we do and give reasons for our decisions. We will publish our reports and findings and will not restrict information unless deemed necessary to protect the identity of data subjects, or due to wider public interest considerations.



Proportionate

We will ensure that our activity is proportionate and does not exceed what is necessary to achieve our statutory purpose. We will minimise the burden of any review activity on Police Scotland, the Scottish Police Authority, and the Police Investigations and Review Commissioner. We will ensure that the way that we do what we do is proportionate, necessary, effective, and efficient.

Accountable

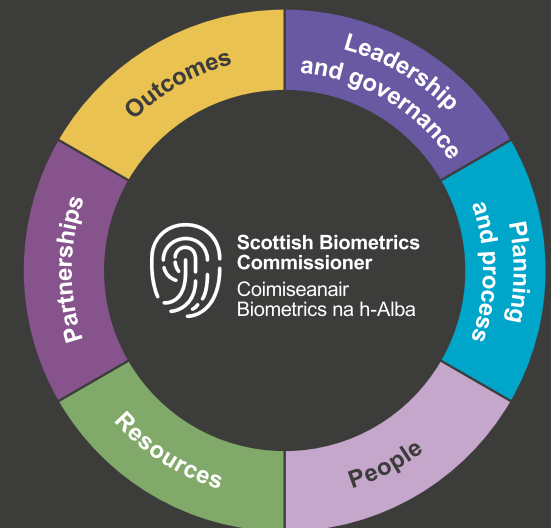
We will be accountable for what we do to the Scottish Parliament and will submit ourselves to whatever scrutiny is appropriate to our function. We will promote equality, diversity, and human rights in everything that we do.

Our National Assessment Framework for biometric data outcomes

15. The Scottish Biometrics Commissioner has developed a National Assessment Framework of forty-two quality indicators for biometric data outcomes. This Assessment Framework is based on the Public Sector Improvement Framework in Scotland (PSIF) and has been independently validated by the Improvement Service in Scotland.⁸ The framework is included as an appendix to our statutory Code of Practice and also serves as a self-assessment tool for Police Scotland, SPA Forensic Services and the Police Investigations and Review Commissioner.
16. Our statutory Code of Practice together with our National Assessment Framework for biometric data outcomes will provide a substructure through which to assess compliance with the guiding principles contained within our Code of Practice and more generally in the evaluation of overall direction, execution, and results. This will help improve independent oversight, governance, and scrutiny.

17. Our Assessment Framework mirrors the 6 PSIF framework domains most applicable to criminal justice and policing. These framework domains have been used by HM Chief Inspector of Constabulary in Scotland (HMICS) and are illustrated as follows:

- Leadership and governance
- Planning and process
- People
- Resources
- Partnerships
- Outcomes



⁸ [Improvementservice.org.uk](https://www.improvementservice.org.uk)



18. PSIF allows people to understand and manage the relationship between what their organisation does and the outcomes it achieves. This framework shall guide our work and together with our Code of Practice can also serve as a self-evaluation model for policing and criminal justice agencies when considering their approach to biometric data and technologies.
19. PSIF is a recognised management framework endorsed by Scottish Government which allows organisations to achieve success and to understand gaps and viable solutions, empowering them to progress.
20. To ensure synergy within the wider policing family in Scotland, the Scottish Biometrics Commissioner has also adopted the six framework themes from PSIF already used by HMICS and Police Scotland that are of most relevance to the policing and criminal justice context in Scotland. Those themes are:

Outcomes

We will focus on the overall performance of the organisation in relation to biometric data and technologies and seek to examine success in delivering demonstrable, high quality and improved outcomes in support of statutory functions and national outcomes.

Leadership and governance

We will examine strategic leadership and governance, scrutiny, and accountability arrangements for biometric data and technologies to assess whether the organisation is delivering its overall vision in support of statutory functions and national outcomes.

Partnerships

We will assess how well partners work together to support the delivery of criminal justice, community safety and policing outcomes in relation to biometric data and technologies. This will include an assessment of partnership working in Scotland, and where appropriate to the functions of the organisation, wider UK, and international partnerships in connection with biometric data sharing and the operation of shared biometric databases and technologies.

Planning and process

We will examine the effectiveness of strategy and planning processes in relation to the acquisition, retention, use, and destruction of biometric data. We will consider whether processes comply with the Code of Practice developed by the Scottish Biometrics Commissioner and consider safeguards and special arrangements when collecting biometric data from children, young people, and vulnerable persons.

People

We will assess whether staff working with biometric data and technologies have the skills and competencies required to deliver on agreed outcomes and priorities. This will include an assessment of familiarity with the concept of unconscious bias, and how well staff understand the reliability and validity of technologies and how human interaction with such technologies can impact on equalities, human-rights, ethical and privacy considerations. We will look for evidence of respect for human-rights through all themes of our Assessment Framework.

Resources

A key element of resourcing is the consideration of best value. We will assess whether organisations collecting biometric data for criminal justice and policing purposes in Scotland have the resources to manage and control Scottish biometric data in accordance with Scottish legislation, operational policies, and any Codes of Practice in terms of its use.





Strategic objectives and priorities 2021 – 2025

21. Our strategic objectives and priorities for 2021 to 2025 are directly aligned with the exercise of our general functions as specified in [Section 2\(3\)](#) of the Scottish Biometrics Commissioner Act 2020. These objectives, priorities, and our envisaged outputs in each year for the period of this Strategic Plan are illustrated on a year-by-year basis on the following pages:



Year 1 Priorities from 01 December 2021 to 30 November 2022

Our four strategic objectives and priorities	How our priorities will be achieved
<p>1 Keep under review and report on the law, policy, and practice relating to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Develop a National Assessment Framework for biometric data outcomes for the policing and criminal justice sector in Scotland. Use framework methodology to keep under review and report on the law, policy, and practice. Promote framework as a self-assessment tool for policing and criminal justice.</p> <p>Output 1: Publish National Assessment Framework (Achieved: February 2022)</p>
<p>2 Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged.</p>	<p>Ongoing public engagement including a public attitudes and awareness survey and the provision of capacity building materials through the website of the Scottish Biometrics Commissioner. Establish, publish, and maintain complaints procedure in parallel with Code of Practice.</p> <p>Output 2: Provide public information hub on Commissioner's website (Achieved: January 2022)</p> <p>Output 3: Publish public complaints mechanism in parallel with Code of Practice (Achieved November 2022)</p>
<p>3 Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Deliver a statutory substructure and compliance framework through a Code of Practice approved by the Parliament and Scottish Ministers through regulations, which balance ethical public interest considerations with democratic freedoms and the privacy and human rights of data subjects.</p> <p>Output 4: Code of Practice laid before Parliament for approval (Achieved: September 2022)</p>
<p>4 Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability.</p>	<p>Establish and maintain Advisory Group to enhance capacity and capability. Use networks and information gathering techniques and analysis to identify key issues. Identify potential research opportunities in Scotland, and opportunities for knowledge exchange with other UK jurisdictions and internationally. Collate materials for annual report.</p> <p>Output 5: Establish and maintain Advisory Group (Achieved: July 2021)</p> <p>Output 6: First Annual Report to Parliament (Achieved: October 2022)</p>

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally.



Year 2 Priorities from 01 December 2022 to 30 November 2023

Our four strategic objectives and priorities	How our priorities will be achieved
<p>1 Keep under review and report on the law, policy, and practice relating to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p> <p>Note on output 2: (With reference to previous IAG recommendations in Scotland and <i>Gaughran v. United Kingdom</i> on DNA, fingerprint, and photograph retention – new ECtHR ruling on 13 February 2020 on indefinite retention).</p>	<p>1. Conduct a review of policy and practice in relation to the acquisition, retention, use, and destruction of biometric data relating to children, young people, and vulnerable adults. Assess impact of Age of Criminal Responsibility (Scotland) Act 2019 relative to biometric data.</p> <p>Output 1: Thematic report on biometric data relating to children to the Scottish Parliament (Achieved: March 2023).</p> <p>Output 2: Thematic report on biometric data relating to vulnerable adults to the Scottish Parliament (Achieved: March 2023)</p> <p>2. Review rules of permissible retention as prescribed in Scottish law.</p> <p>Output 3: Commence review of laws of retention in Scotland (report in October 2024)</p>
<p>2 Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged.</p>	<p>Ongoing public and stakeholder engagement and the provision of capacity building materials through the website of the Scottish Biometrics Commissioner. Maintain complaints procedure in parallel with Code of Practice. Conduct investigations into any complaints received from data subjects.</p> <p>Output 4: Maintain complaints mechanism and publish Commissioner's determination in event of any individual breach of the Code of Practice</p>
<p>3 Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Maintain statutory substructure and compliance framework through a Code of Practice approved by the Parliament and Scottish Ministers through regulations, which balance ethical public interest considerations with democratic freedoms and the privacy and human rights of data subjects.</p> <p>Output 5: ongoing review of contents of Code of Practice</p>
<p>4 Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability.</p>	<p>Maintain Advisory Group to enhance capacity and capability. Use networks and information gathering techniques and analysis to identify key issues. Identify potential research opportunities in Scotland, and opportunities for knowledge exchange with other UK jurisdictions and internationally.</p> <p>Output 6: Publication of Annual Accounts for 2022/23 (Achieved: November 2023)</p>

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally.



Year 3 Priorities from 01 December 2023 to 30 November 2024

Our four strategic objectives and priorities	How our priorities will be achieved
<p>1 Keep under review and report on the law, policy, and practice relating to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Conduct a review of policy and practice in relation to the acquisition, retention, use, and destruction of photographs and facial images including facial search and facial recognition technologies for criminal justice and police purposes.</p> <p>Output 1: Thematic report on facial images and technologies to Scottish Parliament (Achieved: March 2024)</p> <p>Output 2: Conclude review of laws of retention (Achieved: 31 October 2024)</p>
<p>2 Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged.</p>	<p>Ongoing public and stakeholder engagement and the provision of capacity building materials through the website of the Scottish Biometrics Commissioner. Maintain complaints procedure in parallel with Code of Practice. Conduct investigations into any complaints received from data subjects.</p> <p>Output 3: Maintain complaints mechanism and publish Commissioner's determination in event of any individual breach of the Code of Practice</p>
<p>3 Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Maintain statutory substructure and compliance framework through a Code of Practice approved by the Parliament and Scottish Ministers through regulations, which balance ethical public interest considerations with democratic freedoms and the privacy and human rights of data subjects.</p> <p>Output 4: Keep Code of Practice under ongoing review</p> <p>Output 5: Code Compliance Assessment PIRC (Achieved: December 2023)</p> <p>Output 6: Code Compliance Assessment SPA (Achieved: January 2024)</p> <p>Output 7: Code Compliance Assessment Police Scotland (Achieved: March 2024)</p>
<p>4 Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability.</p>	<p>Maintain Advisory Group to enhance capacity and capability. Use networks and information gathering techniques and analysis to identify key issues. Identify potential research opportunities in Scotland, and opportunities for knowledge exchange with other UK jurisdictions and internationally.</p> <p>Output 8: Publication of Annual Accounts for 2023/24 (Achieved: November 2024)</p>

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally.



Year 4 Priorities from 01 December 2024 to 30 November 2025

Our four strategic objectives and priorities	How our priorities will be achieved
<p>1 Keep under review and report on the law, policy, and practice relating to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Conduct a review of policy and practice in relation to the acquisition, retention, use, and destruction of DNA for criminal justice and police purposes including the source biological samples and materials from which data is derived.</p> <p>Output 1: Thematic report on DNA and source samples and materials to Scottish Parliament (Achieved: February 2025)</p> <p>Output 2: Thematic Assurance Review on the use of retrospective image search technology by Police Scotland (Achieved: March 2025)</p>
<p>2 Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged.</p>	<p>Ongoing public and stakeholder engagement and the provision of capacity building materials through the website of the Scottish Biometrics Commissioner. Maintain complaints procedure in parallel with Code of Practice. Conduct investigations into any complaints received from data subjects.</p> <p>Output 2: Maintain complaints mechanism and publish Commissioner's determination in event of any individual breach of the Code of Practice</p>
<p>3 Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>Maintain statutory substructure and compliance framework through a Code of Practice approved by the Parliament and Scottish Ministers through regulations, which balance ethical public interest considerations with democratic freedoms and the privacy and human rights of data subjects.</p> <p>Output 3: First 3 Year review report under <u>Section 14(2)</u> SBC Act on Code of Practice to Scottish Parliament (September 2025)</p> <p>Output 4: Code Compliance Assessment PIRC (Achieved: January 2025)</p> <p>Output 5: Code Compliance Assessment SPA (Achieved: January 2025)</p> <p>Output 6: Code Compliance Assessment Police Scotland (Achieved: January 2025)</p>
<p>4 Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability.</p>	<p>Maintain Advisory Group to enhance capacity and capability. Use networks and information gathering techniques and analysis to identify key issues. Identify potential research opportunities in Scotland, and opportunities for knowledge exchange with other UK jurisdictions and internationally.</p> <p>Output 7: Publication of Annual Accounts for 2024/25 (November 2025)</p>

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally.



Commissioner's budget

22. On inception, the Scottish Biometrics Commissioner was allocated an annual budget based on a policy assumption in the legislative planning phase that there would be no significant expansion of the Commissioner's functions.
23. In 2023/24 the Commissioner's office completed its third business cycle having successfully operated within our allocated budget in each of years 2021/22, 2022/23 and 2023/24 as validated by external audit by Audit Scotland. In 2025, the Commissioner also published a Medium Term Financial Strategy (MTFS) which gives confidence in the sustainability of the function through a low cost shared-services model with the Scottish Public Sector Ombudsman (SPSO).

24. The Commissioner's budget requirement to discharge this Strategic Plan is as follows:

	2024/25 Annual Budget	2025/26 Budget to 30/11/25
Staffing	386,700	277,684
Staff Related costs	15,000	10,000
Property	0	0
Professional Fees	20,000	13,333
Running Costs	72,000	48,000
Total budget	494,000	349,017

Accountability

25. The projected costs associated with the delivery of this 4-year Strategic Plan take account of the Commissioner's responsibilities under [Section 29\(3\)](#) of the Scottish Biometrics Commissioner Act to ensure that resources are used economically, efficiently, and effectively. The Commissioner has revised this Strategic Plan as detailed in paragraph 6 to include provision for annual compliance assessments on the Code of Practice and a practical workaround to address the legal misalignment of budgets and operations.
26. The Commissioner must also comply with the provisions of [Sections 31](#) and [32](#) of the Act and is accountable to the Parliament Corporation for the signing the accounts of the expenditure and receipts of the Commissioner and ensuring propriety and regularity of finances.⁹ The Commissioner must keep proper accounts and accounting records, prepare in respect of each financial year a statement of accounts, and send a copy of the statement to the Auditor General for Scotland for auditing.
27. The Commissioner must comply with any directions which the Scottish Ministers give the Commissioner in relation to the keeping of accounts and accounting records and the for of the annual statement of accounts.



⁹ The Parliamentary Corporation has designated the Commissioner as the Accountable Officer for the purposes of the provisions of [Section 30](#) of the Scottish Biometrics Commissioner Act 2020.



Measuring our performance

28. Performance measurement is important to enable any organisation to ensure it is achieving its objectives and making the best possible use of resources. With good reporting, it also enables accountability, which in the case of Parliamentary Officeholders, includes accountability to Parliament and to the taxpayers who fund their activities and have a keen interest in their effectiveness.
29. Performance measurement by regulators or independent officeholders is particularly complex because their intended outcomes (for example improving public confidence in the use of biometric data for policing and criminal justice purposes) are delivered by the organisations that they regulate.¹⁰ There are also external factors outside regulators' control, and outcomes can take a long time to become evident. Therefore, any framework of performance measurement should begin with the objectives that the organisation is trying to achieve.

30. The characteristics of good performance measurement frameworks for regulators typically share the following features:

Characteristics of good performance measurement frameworks	
Focussed	On the strategic organisational aims and objectives. Any performance measures used should clearly map onto the Commissioner's general functions, objectives, and priorities.
Appropriate	To, and useful for, decision-makers within the organisation, and meeting the needs of stakeholders outside the organisation.
Balanced	Giving a picture of what the organisation is doing, covering all significant areas of work.
Robust	For example, to withstand expansion of the remit of the organisation, or personnel changes.
Integrated	With the organisation's business planning and management processes.
Cost-effective	Balancing the benefits of performance information against costs.

Source: Choosing the Right FABRIC, National Audit Office (2016) and others.

¹⁰ Performance measurement by regulators, Good Practice Guide, the National Audit Office, London: 2016.



Our 4 Strategic objectives and priorities

Key Performance Indicators (KPIs)¹¹

31. In the early years of our first Strategic Plan we used output based Key Performance Indicators. This was a practical necessity for the new organisation as recruitment was not completed until 2022 and the corporate and operational build was ongoing for many months thereafter. It is also a practical reality that the outcomes from the activities of any new organisation take some time to materialise in a way that they can be empirically evidenced in qualitative or quantitative terms.

Whilst these output KPI's are still shown for continuity purposes in this updated plan, it should be noted that the Commissioner will be reporting on outcomes from our 2024/25 Annual Report and Accounts onwards.

The Commissioner has also initiated preliminary consultation on the shape and form of our next Strategic Plan which will cover the period from 01 December 2025 to 30 November 2029. The Commissioner has also engaged the assistance of Evaluation Support Scotland to help develop an outcomes based logic model for articulation in the next plan. This work is ongoing between February and April 2025. Therefore, it should be noted that the KPI's are retained solely for continuity purposes and will be phased out as we develop our next Strategic Plan with reporting on outcomes from our 2024/25 Annual Report and Accounts onwards.

¹¹ As referenced, the Commissioner has engaged the assistance of Evaluation Support Scotland to help develop an outcomes based logic model for articulation in the next Strategic Plan. This work is ongoing between February and April 2025. Therefore, it should be noted that the KPI's are retained solely for continuity purposes and will be phased out as we develop our next Strategic Plan with reporting on outcomes from our 2024/25 Annual Report and Accounts onwards



Our four strategic objectives and priorities	Our Key Performance Indicators (KPIs)
<p>1 Keep under review and report on the law, policy, and practice relating to the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>PI 1: Measures official meetings we conduct with representatives from the bodies to whom our functions extend. Our target is to meet a minimum four times each year with each organisation.</p> <p>PI 2: Measures our legal requirement to maintain a professional Advisory Group. Our target is for the Advisory Group to meet formally no less than 3 times each year.</p> <p>PI 3: Measures the number of large-scale thematic audit and assurance reviews we conduct each year. Our target is to conduct one large scale thematic each year.</p>
<p>2 Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged.</p>	<p>PI 4: Measures the number of public information newsletters we publish each year. Our target from 2023 onwards is to produce two newsletters each year.</p> <p>PI 5: Measures footfall to the public information published on our website. Our performance indicator is to increase footfall to our website by 5% each year against the year 1 post-launch baseline.</p>
<p>3 Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use, and destruction of biometric data for criminal justice and police purposes in Scotland.</p>	<p>PI 6: Measures our legal requirement to assess compliance with a Code of Practice. Our target is to publish one compliance assessment report each year for each organisation to whom our functions extend. This will be done around each anniversary of the Code taking effect.</p>
<p>4 Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability.</p>	<p>PI 7: Measures our public reporting obligations. Our target is to lay two major reports each year before the Scottish Parliament. These are our Annual Report and one thematic report.</p>



Our other corporate priorities	Our Key Performance Indicators (KPIs)
<p>5 We will operate within our budget as allocated each year by the Parliamentary Corporation.¹²</p>	<p>PI 8: Measures our financial performance. Our target is to operate entirely within our allocated budget for each fiscal year.</p>
<p>6 We will respond to complaints received about us and conclude investigations as soon as reasonably practicable.</p>	<p>PI 9: Measures our initial response to complaints received about us. Our target is to acknowledge 100% of complaints within three working days.</p> <p>PI 10: Measures the timeliness of our investigations into complaints made about us. Our target is to communicate the outcome of our investigation within twenty working days in 95% of cases investigated.</p>
<p>7 We will respond quickly to Freedom of Information requests.</p>	<p>PI 11: Measures our performance in responding to our legal duty to respond to FOI requests within twenty working days. Our target is to respond to 100% of FOI requests within twenty working days.</p>
<p>8 We will respond quickly to Subject Access Requests.</p>	<p>PI 12: Measures our performance in responding to our legal duty to respond to Subject Access Requests within 1 month. Our target is to respond to 100% of Subject Access Requests within twenty-eight working days.</p>
<p>9 We will seek to promote staff wellbeing, retention, and effective attendance management.</p>	<p>PI 13: Measures staff engagement in the workplace. Our target is to conduct one qualitative staff engagement survey every 12 months, commencing in 2023 and to publish the results and any action plan arising.</p> <p>PI 14: Measures staff retention levels. Our target is to achieve a minimum of 85% staff retention in any fiscal year.</p> <p>PI 15: Measures sickness and effective attendance management. Our target is for the average total number of staff working days lost to sickness or other absence each year to be lower than 6% of total available staff working days.¹³</p>

¹² Subject to any future expansion of our statutory remit being funded by Scottish Government or the Parliamentary Corporation.

¹³ In this KPI 'attendance' does not denote physical attendance at a workplace due to hybrid working arrangements. Instead, it refers to the number of days where staff reported that they were unfit for work due to sickness or other reason.



**Scottish Biometrics
Commissioner**

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